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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,362	02/06/2002	Virinder M. Batra	RSW920010185US1	6050
7590	11/21/2005		EXAMINER	
Gerald R. Woods IBM Corporation T81/503 PO Box 12195 Research Triangle Park, NC 27709			WIDHALM, ANGELA M	
			ART UNIT	PAPER NUMBER
			2152	
DATE MAILED: 11/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,362

Applicant(s)

BATRA ET AL.

Examiner

Angela Widhalm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/16/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The claims 1-12 are pending in this application. This is a non-final office action in response to Application number 10/068,362 filed on 6 February 2002.

Specification

2. The abstract of the disclosure is objected to because the first sentence restates information already described in the title. Correction is required. See MPEP § 608.01(b).

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The claimed invention relates to a method and machine-readable storage (collectively referred to as "system") for requesting services from an application not physically connected to the requesting device, e.g. a mobile device. The system further employs a conventional caching concept for storing data, determining whether the request data is previously stored in the cache or storage, and providing data from an

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appropriate source to improve the efficiency of the network providing data. In which in the same field of endeavor, the applied references teach the same.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimoto et al. (U.S. Patent 6,829,484), hereafter referred to as Kimoto.

7. Regarding claims 1 and 7, Kimoto disclosed a system for requesting location-based services comprising the steps of:

responsive to receiving a network request for location-based processing from a pervasive device (see figure 3, *mobile terminals are connected to the information center via wireless radio communication*; column 2 lines 57-61; figure 18 #S2; figure 38 #A6; figure 45 #C1), storing said received network request (see figure 20 #S35, *registration stores location in database*; figure 37 #49-2) and forwarding said received network request to a selected location-based application (see figure 18 #S3, S5);

receiving a rejection response to said forwarded network request (see figure 18 #S8; figure 45 #C3, *negative outcome is a rejection response*) and identifying in said rejection response a request for required location information (see figure 45 #C5, *selection offered to user is a request for required location information*); and

locating said required location information from within said stored network request (see figure 45 #C6), formulating an augmented network request with said required location information (see figure 45 #C6), and forwarding said augmented network request to said selected location-based application (see figure 18 #S5), said selected location-based application performing said location-based processing using said required location information provided in said augmented network response (see figure 18 #S6').

8. Regarding claims 2 and 8, Kimoto disclosed wherein said network requests are hypertext transfer protocol (HTTP) requests (see column 35 lines 23-28; figure 18 #S3) and said rejection response is a class 4xx HTTP rejection response (see column 35 lines 39-47; figure 18 #S8).

9. Regarding claims 3 and 9, Kimoto disclosed caching said augmented network requests (see column 55 lines 1-12).

10. Regarding claims 4 and 10, Kimoto disclosed the system of claims 3 and 9, including comprising the steps of:

determining whether a valid augmented network request associated with said received network request can be located within said cache (see figure 63 #A3); and,

if said valid augmented network request can be located within said cache, forwarding said valid augmented network request to said selected location based application (see figure 63 #A4); and

if a valid network request cannot be located within said cache, storing said received network request (see figure 63 #A6) and forwarding said received network request to application (see figure 63 #A5).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto as applied to claims 4 and 10 above, and further in view of Diedrich et al. (U.S. Patent Publication 2002/0199018), hereafter referred to as Diedrich.

13. Regarding claims 5-6 and 11-12, Kimoto disclosed the limitations, substantially as claimed, as described in claims 4 and 10.

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Kimoto did not explicitly disclose recognizing a pattern of received network requests which result in a particular rejection response (claims 5-6, 11-12) for which said required location information cannot be provided to said selected location based application as requested in said rejection response (claims 6 and 12); associating a particular formulated augmented network request with said recognized pattern (claims 5-6, 11-12); and storing said particular formulated augmented network request in said cache according to said association (claims 5-6, 11-12).

However, in a related art, Diedrich disclosed an inventive concept wherein a client device learned a user's interests by recognizing a pattern from the user's previous selections (i.e. historical information) and applying this information to resolve future ambiguities (see paragraph 60). In addition, Diedrich disclosed the use of conventional browsers in its invention, e.g., Internet Explorer or Netscape, which are known to cache patterns of user interest, e.g., historical information or bookmark, or the like (see paragraph 35).

Both Diedrich and Kimoto taught location-based processing from a mobile device. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Diedrich into the teachings of Kimoto to enable adaptive responses. As described by Diedrich, this would improve accuracy and reduce ambiguities in the results provided to the user (see paragraph 60).

Conclusion

Examiner's Note: Examiner has cited particular cols and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figs may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

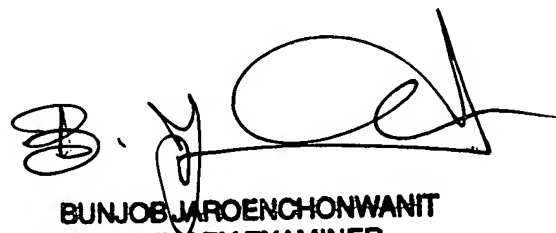
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Widhalm whose telephone number is (571) 272-1035. The examiner can normally be reached on M-F, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AW, 11/16/2005



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER